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REMARKS

The Office Action dated November 16, 2006 was carefully reviewed. Claims 1-7 remain in the application. It is respectfully requested the Examiner reconsider the present application in light of the amendments and remarks herein.

The Examiner rejected claims 1-7 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application No. 2003/0163233 A1 to Song et al., hereinafter Song, in view of U.S. Patent Application No. 2002/0044058 A1 to Heinrich et al., hereinafter Heinrich.

As discussed in previous responses and in the Appeal Brief filed 09/06/2006, the present invention is directed to the problem of data collection techniques that require manual collection, or a direct electronic connection of data from a vehicle. The present invention is a method for automatic recording of real time data without manual intervention for determining an inventory of vehicles within a predefined service area. This allows inventory management through the collection of data and tracking of vehicles from assembly to receipt at dealers, and on into fleet sites and rental sites.

The predefined service area is an issue of disagreement between the applicant and the Examiner. The present invention is directed to the collection of data from a vehicle for inventory management in applications such as manufacturing and delivery processes, dealer service processes, rental processes, exporting, and fleet processing. The predefined service area in the present invention, as it relates to inventory management implies a perimeter, or area, as described and defined by a plurality of wireless antennas. Paragraph [0024] of the specification clearly describes that for inventory management associated with the present invention, the transmitter is used to track the real-time location of the vehicle during its stay at a particular site. The vehicle's arrival and departure are date and time stamped for history and quality concerns. It is further explained that once the inventory control is no longer necessary, the transmitter should be removed, see paragraph [0031]. This clearly supports the predefined service area as being relative to a vehicle that is not in motion.

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The present invention requires "defining a service area" and "determining an inventory of transportation vehicles within said predefined service area." It is respectfully asserted that the present invention is patentable over the references cited by the Examiner. It is respectfully asserted that the Song reference does not teach "defining a service area" nor does the combination with Heinrich teach "determining an inventory of transportation vehicles within said predefined service area."

The Examiner asserted that the Song reference teaches "defining a service area." However, it is respectfully asserted that because the application of Song relates to a vehicle in motion, there are no boundaries. It is further asserted that it is not practical to define a service area for a vehicle, in motion, that has no boundaries. The teachings of Song are directed to a vehicle in operation and motion with virtually no boundaries. Therefore, it is respectfully asserted that it is not possible to define a service area that a vehicle-in-motion will remain within, nor is it possible to time and date stamp the vehicle's entry and exit into the predefined service area if the predefined service area has no boundaries as taught by Song.

The Song reference is directed to the collection of vehicle information relating to maintenance and repair that is collected from a running vehicle in order to notify the driver of the need for maintenance or repair, see paragraphs [0010] and [0011]. Because the Song reference is directed to the need for notifying a user who is operating the vehicle, while the vehicle is in operation, it would not have been obvious to one of ordinary skill in the art to add the limitation of a predefined service area as claimed by the present invention. It is counter-intuitive to the Song reference to add the limitation of a predefined service area for determining an inventory of transportation vehicles, when the reference is directed a running vehicle, or a vehicle that is in use.

It is respectfully submitted that one skilled in the art would not look to combine the Song reference with any reference that limits the vehicle to a predefined service area, as that would detract from the purpose of the Song invention, which is to acquire information from a running vehicle to provide information necessary for the maintenance, operation and safety control of the vehicle for a subscriber.

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Further, it is respectfully submitted that even if one were to combine the references as cited by the Examiner, it would not result in the applicant's invention since the Song reference does not teach a predefined service area and the Heinrich reference does not teach or disclose determining an inventory of transportation vehicles within said predefined service area.

The Heinrich reference is directed to hands-free scanning of radio frequency identification data (RFID) from an RFID tag. One skilled in the art would not look to combine a reference that teaches hands-free scanning such as disclosed in the Heinrich reference, which requires close proximity to the tag with an automatic vehicle management system as taught in the Song reference, in which the data from a vehicle in motion, without defined boundaries, is acquired for notifying a subscriber of the need for vehicle service. The Song reference is not directed to, nor does it teach or disclose, inventory management within a predefined service area as claimed by the present invention. Therefore, one would not look to combine it with a reference such as Heinrich, which teaches hands-free scanning.

Further, it is respectfully asserted that even if the Song reference were combined as suggested by the Examiner, with Heinrich their combination would not result in the Applicants' invention. The present invention is directed to the inventory management of a vehicle within a predefined service area. That is to say that the present invention is directed towards acquiring data from the vehicle for inventory management as it relates to the predefined service area when the vehicle is in the predefined service area. The Song reference is directed to the management of the vehicle's operation and maintenance and directed more towards acquiring data from the vehicle when the vehicle is running in order to perform efficient maintenance and repair on the vehicle and in no way is directed to inventory management, and therefore cannot possibly teach or suggest a method for inventory management that requires defining a service area.

As indicated by the Examiner, the Song reference does not teach or disclose determining an inventory of transportation vehicles within a predefined service area. The Heinrich reference is directed towards hands-free scanning, but also does not teach or disclose a predefined service area, nor does it teach or disclose

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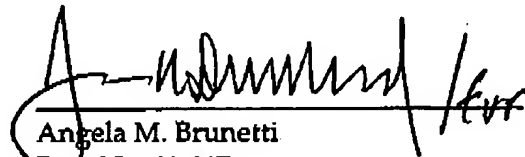
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determining an inventory of transportation vehicles within the predefined service area. The Heinrich reference is directed to interface between a tag and a scanner as they come into proximity with each other. Heinrich does not teach or disclose inventory management. Heinrich does not teach or disclose a predefined service area. Therefore, it is respectfully asserted that Heinrich cannot possibly teach or disclose determining an inventory of transportation vehicles within said predefined service area, even if it were combined with the Song reference, which also fails to teach a predefined service area for inventory management.

It is respectfully requested that the Examiner withdraw the rejection of claims 1-7 under 35 U.S.C. § 103.

Should the Examiner have any questions, comments or suggestions that may place the claims into better condition for allowance, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,



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